

Senate Study Bill 1217

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to driving while distracted and making a penalty
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1929XC 83
5 dea/nh/5

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1 1 Section 1. Section 321.277A, Code 2009, is amended to read
1 2 as follows:
1 3 321.277A CARELESS DRIVING.
1 4 1. A person commits careless driving if the person
1 5 intentionally operates a motor vehicle on a public road or
1 6 highway in any one of the following ways:
1 7 ~~1. a.~~ Creates or causes unnecessary tire squealing,
1 8 skidding, or sliding upon acceleration or stopping.
1 9 ~~2. b.~~ Simulates a temporary race.
1 10 ~~3. c.~~ Causes any wheel or wheels to unnecessarily lose
1 11 contact with the ground.
1 12 ~~4. d.~~ Causes the vehicle to unnecessarily turn abruptly
1 13 or sway.
1 14 2. a. A person operating a motor vehicle commits careless
1 15 driving if the person is involved in a motor vehicle accident
1 16 and the facts and evidence concerning the accident indicate
1 17 that the person was driving while distracted at the time of
1 18 the accident.
1 19 b. A person operating a motor vehicle commits careless
1 20 driving if the person commits a moving violation and the facts
1 21 and evidence concerning the moving violation indicate that the
1 22 person was driving while distracted at the time of the moving
1 23 violation.
1 24 c. (1) For purposes of this subsection, "driving while
1 25 distracted" means operating a motor vehicle while engaged in a
1 26 distracting activity, including but not limited to the
1 27 following activities:
1 28 (a) Using a cellular telephone, text messaging device, or
1 29 other wireless device used for remote two-way communication.
1 30 (b) Using a computer, video game device, or other mobile
1 31 electronic device.
1 32 (c) Viewing a television screen or digital video disc
1 33 player.
1 34 (d) Performing a personal grooming activity.
1 35 (e) Eating or drinking.
2 1 (f) Reading printed material within the vehicle.
2 2 (g) Writing.
2 3 (h) Interacting with pets or reaching for or maneuvering
2 4 unsecured cargo.
2 5 (i) Interacting with passengers in the back seat of the
2 6 vehicle.
2 7 (2) Notwithstanding subparagraph (1), "driving while
2 8 distracted" does not include activities that are incidental to
2 9 operating a motor vehicle, including the following:
2 10 (a) Engaging in conversation with passengers in the
2 11 vehicle.
2 12 (b) Using a global positioning system device.
2 13 (c) Operating an audio system installed in the vehicle.
2 14 (d) Operating an amateur radio, if the motor vehicle
2 15 operator is a federally licensed amateur radio operator.
2 16 (e) Using a cellular telephone or other communication
2 17 device to call 911.
2 18 d. This subsection does not apply to a member of a public

~~2 19 safety agency, as defined in section 34.1, engaged in the~~
~~2 20 performance of the member's official duties.~~
~~2 21 3. A person convicted of a violation of this section~~
~~2 22 commits a simple misdemeanor punishable as a scheduled~~
~~2 23 violation under section 805.8A, subsection 6, paragraph "b".~~

2 24 EXPLANATION

2 25 This bill expands the offense of careless driving to
2 26 include driving while distracted. The bill defines "driving
2 27 while distracted" as operating a motor vehicle while engaged
2 28 in a distracting activity. Specified distracting activities
2 29 include using a cellular telephone, text messaging, using a
2 30 computer or video game device, viewing a television or digital
2 31 video disc player, personal grooming, eating, drinking,
2 32 reading, writing, interacting with pets, reaching for or
2 33 maneuvering unsecured cargo, or interacting with passengers in
2 34 the back seat of the vehicle. Certain activities which are
2 35 incidental to driving are not distracting activities under the
3 1 bill, including conversation with passengers, using a global
3 2 positioning system device, using an installed audio system,
3 3 using an amateur radio, or calling 911.

3 4 The bill provides that driving while distracted is not
3 5 considered careless driving unless the person is involved in a
3 6 motor vehicle accident or commits a moving violation and the
3 7 facts and evidence concerning the accident or violation
3 8 indicate that the person was driving while distracted.

3 9 Members of public safety agencies are exempt from the
3 10 provisions in the bill when performing their official duties.

3 11 Pursuant to current law, careless driving is a simple
3 12 misdemeanor, subject to a scheduled fine of \$25.

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